

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

LARRY EALY,

Plaintiff, : Case No. 3:06-cv-218

-vs- : District Judge Thomas M. Rose  
JUDGE DANIEL GEHRES, et al., Chief Magistrate Judge Michael R. Merz

Defendant.

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**ORDER ADOPTING SUPPLEMENTAL REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #7), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on August 18, 2006, hereby ADOPTS said Supplemental Report and Recommendations.

It is therefore ORDERED that as to any claims against the City of Dayton or the Clerk of the Dayton Municipal Court, it is respectfully recommended that the Complaint be dismissed without prejudice for failure to state a claim upon which relief can be granted and all claims against the Montgomery County Jail be dismissed with prejudice as barred by the statute of limitations.

August 21, 2006

**\*s/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge